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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,233	06/14/2001	Steven Swaddle	CS1096#SP	7540
7590	10/31/2005		EXAMINER	
Bruce S. Shapiro 701 E. Joppa Road Towson, MD 21286			WILSON, LEE D	
			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 10/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/881,233	SWADDLE, STEVEN	
Examiner	Art Unit		
LEE D. WILSON	3723		

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 12-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 12-32 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 12-16 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuensch (6475075) in view of Syverson (6244427).
  - a. Wuensch discloses a belt sander having a body element (11), a belt (35), a driven roller (19), a non-driven roller (20), a motor (16).
  - b. Wuensch does not disclose a motor contained within the driven roller.
  - c. Syverson discloses a roller which has a stator (40) and rotor (62) contained within the roller which provides an alternative means of powering the roller.
  - d. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Wuensch device by replacing the motor with an alternative motor as taught by Syverson which provides an alternative means of powering the roller.
  - e. Wuensch discloses a claw pole motor already. Therefore the type of claw pole motor and its shape would be a matter of obvious design choice since it is known to use claw pole motor already.

2. Claims 12-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Curry in view of Syverson (6244427).

f. Mc Curry discloses a belt sander having a body element (10), a belt (claim 1), a driven roller (19), a non-driven roller (20), adjustment mechanism (claim 4) and a motor (15).

g. Mc Curry does not discloses a motor contained within the driven roller.

h. Syverson disclose roller which has a stator (40) and rotor (62) contained within the roller which provides an alternative means of powering the a roller.

i. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Mc Curry device by replacing the motor with an alternative motor as taught by Syverson which provides an alternative means of powering the a roller.

j. Mc Curry discloses a claw pole motor already. Therefore the type of claw pole motor and its shape would be a matter of obvious design choice since it is known to use claw pole motor already.

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beckering et al (3566548) in view of Syverson (6244427).

k. Beckering et al discloses a belt sander having a body element (11), a belt (27), a driven roller (25), a non-driven roller (23), adjustment mechanism (147&149) and a motor (17).

l. Beckering et al do not discloses a motor contained within the driven roller.

m. Syverson disclose roller which has a stator (40) and rotor (62) contained within the roller which provides an alternative means of powering the a roller.

n. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Beckering et al device by replacing the motor with an alternative motor as taught by Syverson which provides an alternative means of powering the a roller.

4. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckering et al (3566548) as applied to claim 29 above, and further in view of McCurry (4547531).

o. Beckering et al are discussed above.

p. Beckering et al do not disclose a claw pole motor.

q. McCurry discloses a belt sander having a claw pole motor which is alternative type of more which can switch out the standard electric motor.

r. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the modified Beckering et al device by replacing the motor with an alternative motor claw pole motor as taught by Syverson which can switch out the standard electric motor.

s. Mc Curry discloses a claw pole motor already. Therefore the type of claw pole motor and its shape would be a matter of obvious design choice since it is known to use claw pole motor already.

#### ***Response to Arguments***

5. **Applicant does not feel that the 103 rejections are valid.**

t. The rejection is not being made to teach the concept of belt sander the rejection is being made with regard to if it is known to put a motor in a roller. The issue is that the belt sander is going to be powered but are motor used which can be placed in the roller itself. Therefore the examiner has to show if there is a teaching to have or use such a motor. Really motors are old but the type of motor and its placement are what is of issue not can you find a belt sander with the motor because if that were the case it would be a 102 rejection instead of a 103 rejection. Therefore the rejections stand.

**6. Applicant's arguments with respect to claims 29-32 have been considered but are moot in view of the new ground(s) of rejection.**

u. There is a new art rejection in response to the claim changes.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu et al discloses an invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

July 7, 2005

LEE D. WILSON  
PRIMARY EXAMINER